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REMARKS

Claims 36-68 are now pending. By this Amendment, claims 16-35 are canceled and claims 36-68 are added.

Applicants thank Examiners Srivastava and Tate for the courtesies extended during the January 29, 2004 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Claims 16, 17, 33 and 34 are rejected under 35 U.S.C. §112, first paragraph, for allegedly lacking enablement. Applicants respectfully traverse the rejection.

The Office Action indicates that "while enabling for obtaining a cosmetic composition comprising mixtures of pharmaceutical excipients with material obtained from two Pseudomonad species (i.e., *Pseudomonas vesicularis* or *Pseudomonas maltophilia*) [the application] does not reasonably provide teaching to obtain said material from any, or all strains of *Pseudomonas* or all members of family *Pseudomonadaceae*." Although Applicants respectfully disagree, in an effort to expedite prosecution, the new independent claims are directed to the two species indicated to be enabled in the Office Action.

In addition, the claims have been amended to avoid the confusion that was caused by the term "extract" in the previous claims.

The claims as drafted are enabled by the present specification. Therefore, the rejection under 35 U.S.C. §112, first paragraph, should be reconsidered and withdrawn.

Claim 16-35 are rejected under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse the rejection.

In an effort to respond to this rejection, claims 16-35 have been replaced by new claims 36-68. As requested in the Office Action, Applicants have attempted to clearly, concisely and succinctly rewrite the claims to clearly indicate the Applicants' invention. In rewriting the claims most of the objected to terms and phrases have been avoided.

With regard to the term "biomass," it is respectfully submitted that this term would be understood by those of ordinary skill in the art as the cellular component of a biotechnological process. See the attached dictionary definition. In this case, one of ordinary skill in the art would understand that the term "biomass" refers to the cellular component resulting from the bacterial culture. In addition, as suggested in the Examiner interview, the claims have been amended to define the "biomass" by the process of obtaining the biomass.

With regard to the term "bacterial solids," it has been replace by the term "biomass solids." It is respectfully submitted that one of ordinary skill in the art would understand that the term "biomass solids" refers to the solid part of the biomass and does not include, for example, water that is in the biomass.

In addition, it is respectfully submitted that one of ordinary skill in the art would understand the phrase "partially dehydrated." As discussed above, a biomass is the cellular component of the bacterial culture. As is well known in the art, a biomass obtained by culturing a bacterium generally contains water. Dehydration is the removal of water. Thus, one of ordinary skill in the art would understand that the phrase "partially dehydrated" means that at least part of the water is removed from the biomass.

New claims 36-68 clearly recite the invention. Therefore, the rejection under 35 U.S.C. §112, second paragraph, should be reconsidered and withdrawn.

Claims 16, 18, 21, 22 and 33 are rejected under 35 U.S.C. §102 over Bonfils et al. with evidence provided by Stedman's Medical Dictionary. Claims 16, 18, 20, 21, 25, 27, 29, 31 and 33 are rejected under 35 U.S.C. §102 over the English abstract of Hamada et al. Claims 16 and 18-35 are rejected under 35 U.S.C. §102 over Spagnoli et al. Claims 16-35 are rejected under 35 U.S.C. §103 over Bonfils in view of Hamada and Spagnoli. Applicants respectfully traverse the rejections.

With regard to method claims 36-60, it is respectfully submitted that none of the cited references teach or suggest applying a composition comprising a biomass obtained from a culture of at least one of the specifically recited bacterium to the skin or scalp. In addition, none of the cited references teach or suggest a cosmetic composition comprising, as an active ingredient, a biomass obtained from a culture of at least one of the specifically recited bacterium, in combination of an excipient that is acceptable in cosmetology, as recited in composition claims 61-68.

The cited references do not teach or suggest the present invention. Therefore, the rejections under 35 U.S.C. §102 and §103 should be reconsidered and withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 36-68 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

William P. Berridge
Registration No. 30,024

Melanie L. Mealy
Registration No. 40,085

WPB:MLM/jam

Attachment:
Dictionary Definition

Date: March 15, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461

The Language of BIOTECHNOLOGY
A DICTIONARY OF TERMS
SECOND EDITION

John M. Walker
University of Hertfordshire

Michael Cox
University of Hertfordshire

Allan Whitaker, Contributor
University of Hertfordshire

Stephen Hall, Contributor
University of Hertfordshire

ACS Professional Reference Book

American Chemical Society, Washington, DC 1995

biolistic process \bī-ō-'lis-tik 'präs-es\ The process used to shoot biological materials into living targets. The term *biolistic* is derived from "biological ballistics". High-velocity microprojectiles (e.g., 4-μm tungsten particles or gold particles) coated with DNA are shot into cells, resulting in cell transformation. The method is also known as the particle gun method, the gene gun method, the microprojectile method, and the bioblaster method; it should not be confused with shotgun cloning.

biological control \bī-ə-'läj-i-kəl kən-'trōl\ The deliberate use of one species of organism to control or eliminate another. Biological control takes advantage of the fact that certain microorganisms can inhibit the growth of others by either antagonistic or competitive mechanisms. One microorganism can therefore be used to control a specific microbial population. For example, inoculation of the fungus *Trichoderma lignorum* into wet soil suppresses damping-off of seedlings. This fungus produces a toxin that kills other fungi involved in the damping-off process. *See also Bacillus thuringiensis*, nuclear polyhedrosis virus, *Verticillium lecanii*.

biological oxygen demand \bī-ə-'läj-i-kəl 'äk-si-jən di-'mand\ *See* biochemical oxygen demand.

bioluminescence \bī-ō-lü-mə-'nes-ᵊn(t)s\ The emission of visible light by living organisms. It is achieved by the oxidation of an ATP–luciferin complex by the enzyme luciferase. This process is used as the basis of an assay sensitive for ATP, using the luciferase–luciferin complex of the firefly. The sensitivity of the assay allows it to be used for the identification and quantitation of populations of microorganisms. *See also* chemiluminescence, reporter gene.

biomass \'bī-ō-ˌmas\ Plants or biological wastes, such as those produced from agriculture or food processing, that are grown to be available for conversion by biotechnological processes to high-grade fuels and specialty chemicals. More specifically, in microbiology, the cellular component of a biotechnological process (e.g., the bacteria in a fermentation process). Biomass may be either an unwanted waste product, the required product (e.g., single-cell protein), or a source of the required product (e.g., an intracellular product such as an enzyme).

biophotolysis \bī-ō-fō-'täl-ə-səs\ The use of the photosystems of photosynthetic organisms to cleave water into hydrogen and oxygen, which can then be used as an energy source.

biopolymer \bī-ō-'päl-ə-mər\ A large-molecular-weight polymeric compound (e.g., polysaccharide or nucleic acid) that is produced from biological sources. In terms of commercial usage, the most important biopolymers are polysaccharides. *See also* alginate, dextran, polytran, xanthan gum, zanflo.

bioprobe \'bī-ō-ˌprōb\ *See* biosensor.

biopsy \'bī-äp-sē\ Removal of a fragment of tissue from a living patient for analysis.

bioreactor \bī-ō-rē-'ak-tər\ A containment vessel for biological reactions, used in particular for fermentation processes and enzyme reactions. Bioreactors are usually constructed of stainless steel or glass and have such features as provision for inoculation and sampling, variable aeration (for aerobic processes), variable agitation, and temperature control. For fermentation processes it must be possible